

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**In re: ELDON W. GRACE, SSN: xxx-xx-0231,
and DIANNA J. GRACE, SSN: xxx-xx-4455,**

Debtors,

ELDON W. GRACE and DIANNA J. GRACE,

Plaintiffs/Appellees,

v.

**Civ. No. 05-1301 JP/LAM
Bankruptcy No. 7-04-14547 SA
Adversary No. 04-1199 S**

MRT HEAVY HAULING,

Defendant/Appellant.

**ORDER ADOPTING MAGISTRATE JUDGE'S ANALYSIS
AND RECOMMENDED DISPOSITION ON BANKRUPTCY APPEAL (Doc. 18)**

THIS MATTER is before the Court on the *Magistrate Judge's Analysis and Recommended Disposition on Bankruptcy Appeal (Doc. 18)*, filed on January 4, 2007. No party has filed objections to the analysis and recommended disposition and the deadline for filing objections has passed.

IT IS THEREFORE ORDERED that:

1. The *Magistrate Judge's Analysis and Recommended Disposition on Bankruptcy Appeal (Doc. 18)* is **ADOPTED**;

2. *Appellees['] Motion to Dismiss Appeal and Motion for Damages Under Rule 8020 (Doc. 8)* is **GRANTED IN PART**, as to all matters appealed by Defendant/Appellant MRT Heavy Hauling (hereinafter, "MRT"), other than MRT's appeal from the Bankruptcy Court's

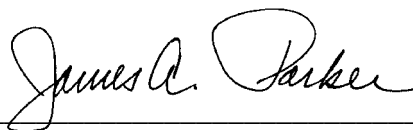
Order Granting in Part and Denying in Part MRT Heavy Hauling's Motion for Reconsideration and Extension of Time for Execution of Judgment or in the Alternative Motion to Amend Judgment Nunc Pro Tunc (docs 37, 38, 39), filed as *Document 44* in Adversary Proceeding 04-1199 S on December 2, 2005, and, as to all other matters, *Appellees['] Motion to Dismiss Appeal and Motion for Damages Under Rule 8020 (Doc. 8)* is **DENIED**;

3. The decision of the Bankruptcy Court in its *Order Granting in Part and Denying in Part MRT Heavy Hauling's Motion for Reconsideration and Extension of Time for Execution of Judgment or in the Alternative Motion to Amend Judgment Nunc Pro Tunc (docs 37, 38, 39)*, filed as *Document 44* in Adversary Proceeding 04-1199 S on December 2, 2005, is **AFFIRMED**;

4. Plaintiffs'/Appellees' request for an award of attorneys' fees and costs as a sanction against Defendant/Appellant MRT is **DENIED**; and

5. This appeal will be **DISMISSED WITH PREJUDICE** pursuant to a final order entered concurrently herewith.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "James A. Parker". The signature is written in a cursive, flowing style. The first name "James" is written with a large, looped capital "J". The middle initial "A." is written in a smaller, simpler script. The last name "Parker" is written with a large, looped capital "P" and a trailing flourish.

JAMES A. PARKER
UNITED STATES DISTRICT JUDGE